

APPROVED: Meeting No. 30-87

ATTEST: *Helen M. Heneghan*

MAYOR AND COUNCIL

ROCKVILLE, MARYLAND

MEETING NO. 43-86

November 24, 1986

The Mayor and Council of Rockville, Maryland, convened in general session in the Council Chamber, Rockville City Hall, Maryland at Vinson Street, Rockville, Maryland, on Monday, November 24, 1986, at 8:00 p.m.

PRESENT

Mayor Steven Van Grack

Councilman Steve Abrams

Councilman James Coyle

Councilman Douglas Duncan

Councilman Peter Hartogensis

The Mayor in the Chair.

In attendance: City Manager Richard V. Robinson, City Clerk Carol A. Kachadoorian, City Attorney Paul Glasgow.

Re: Invocation

The invocation was offered by Reverend Errol Smith of Faith United Methodist Church.

Re: City Manager's Report

Mr. Robinson reported the following:

1. Information regarding the Town Center Project that was reported in the local media is accurate in that the City has taken steps to notify the Town Center investors that they have defaulted on their contract with the City. All questions regarding the Town Center Project are to be referred to the City Attorney.

2. The PERF Report on the Police Department has been received in draft form. The Executive Summary of the Report, which is also in draft form, is available in the Public Information Office, the City Manager's Office, or the City Clerk's Office. The Report is thorough and complete, and Staff will work with the Mayor and Council and the community in reviewing the Report.

3. Stickers for the Rockville Watch Groups are now available, and the City will be issuing them to all participating in a Rockville Watch Program.

4. The City is continuing in its attempt to reach new segments of the population in various ways. Today, a pre-school was held at the Montrose Recreation Center offering a special traditional Thanksgiving Dinner for those attending. Thirty-two children between the ages of 3 and 4 attended, with the majority being Asian.

5. The City Clerk's Office has received a number of calls concerning the installation of a one-way traffic control system on Blanford Street from Cabin John Parkway to Argyle. The City plans to install the traffic control devices for a 6-month trial period from December 1986 to June 1987. The system will become permanent if it proves satisfactory during the trial period. Councilman Hartogensis recalled the situation when Argyle Street was made one-way in which there was a need to provide a way for people living on surrounding streets to voice their opinion. He suggested that the same procedure be used for Blanford Street so that all those who would be affected by the change have an opportunity to voice their opinions. Mayor Van Grack advised all those present who wished to speak regarding the proposed one-way signage to do so at Citizens' Forum.

6. Officer Eric Waldt responded to a suicide attempt in which he talked a teenager out of killing himself while waiting for the Crisis Intervention Team to arrive. Officer Waldt is to be commended for his handling of the situation.

Re: Mayor's Report

1. The Mayor advised the community of the City's holiday food basket program, asking those who can contribute to do so by donating either food or money (money contributions will be used to purchase food and food stuffs). He encouraged those wishing to contribute to contact Josephine Roberts in the City's Department of Community Services.

2. The City's recently completed police study is an important stage for the City. The Mayor suggested a number of steps that might be taken with respect to the nature of the police services in Rockville and the study. First of all, he suggested an expansion of the City's foot patrol to residential areas with a higher crime rate and to commercial centers. Second, he suggested an increased level of involvement and commitment to the City's neighborhood crime watch programs, as well as working to increase the involvement of the commercial sector. Third, he suggested increasing regular patrol in neighborhoods to increase the visibility of the Rockville Police Department. Fourth, he suggested focusing on "officer friendly" services noting the positive public response to the City's Drug Program.

Councilman Abrams also suggested steps to follow up on the Police Study citing that the issue of expansion should merit a great deal of discussion focusing on both duplication of effort between the City and County, and services for which the County should be the primary provider. He felt that more definition needs to be given in the area of supplementary needs. Mayor Van Grack noted that public meetings will be held in January 1987 to discuss how to proceed. Councilman Duncan concurred for the need for a public hearing and asked that the Executive Summary be sent out to all Boards and Commissions and Civic Associations.

Re: Presentation to James M.
Davis, Planning Director

Mayor Van Grack presented a certificate of appreciation to Mr. Davis from himself and the City Manager, Richard Robinson, thanking Mr. Davis for his years of service as Planning Director for the City. In addition, the Mayor gave Mr. Davis a key to the City. Councilman Abrams joined in praising Mr. Davis for his work with the City.

Re: Presentation to David
Pomeranz

Mayor Van Grack presented a copy of the book One Day USA to David Pomeranz, a resident of the City of Rockville, whose photograph appeared in the book.

Re: Citizens' Forum

1. Arlene Simons presented a proposal to the Mayor and Council for a small matching grant to conduct a feasibility study for senior citizen housing on land owned by the Jerusalem Methodist Church. Additional funding for the project is to come from the State of Maryland as well as an in-kind contribution. In response to a question from Councilman Coyle regarding the timeframe for the project, Ms. Simons responded that the State will make their funding decisions fairly shortly, and she hopes to get an indication of interest from the Mayor and Council at its meeting of December 8, 1986.

Councilman Coyle also asked if by providing the matching funds the City would be committed to anything beyond a feasibility study, and he asked what the likelihood of funding for the project is in order to build housing. Arlene Simons responded that the commitment of the City would not go beyond the \$5,000 for the feasibility study, and that funding for constructing the project is unknown at this time. She emphasized that the feasibility is an important first step and that the project cannot proceed without it. She did answer in the affirmative to a question from Councilman Abrams that the various state funds available for building the project would be reviewed if the feasibility study

proves favorable. She noted the sense of urgency in receiving a decision from the City is due to the fact that no additional funds for such a study will be available again until perhaps July 1, 1987.

Councilman Hartogensis asked if she has worked with the City's Department of Community Development and Housing Assistance. Ms. Simons responded that she had not spoken with them regarding the proposal. Councilman Duncan suggested that during the next week the staff review the proposal and that the item be placed on the agenda for December 8, 1986, for consideration by the Mayor and Council. City Manager Robinson responded that he will have staff review the proposal.

2. John Tyner, representing the Land Use Committee of the Twinbrook Citizens Association, addressed the Mayor and Council regarding support for the special exception for medical facilities in residential areas. In addition, he asked that the current practice of using administrative powers to automatically roll over a special exception use when the original owner of a business sells not occur. Instead, he suggested that when a business that existed through the granting of a special exception changes hands, a review of that special exception should take place. Councilman Hartogensis commented that when he was on the City's Board of Appeals a special exception was granted only to the original owner and that each subsequent owner had to request a special exception in order to continue operation.

3. William Hickman, 7 Columbia Court in College Gardens, addressed the Mayor and Council regarding the mass burn facility at Dickerson recommended by the County. He thanked the Mayor and Council for their opposition to this location. In addition, Mr. Hickman thanked the City for its certificates to the College Gardens Elementary School in recognition of the award they received. Finally, he noted that the North Rockville Junior High School site is again before the

Board of Education for consideration.

4. Richard Ratajczak, 602 Blanford Street #6, addressed the Mayor and Council regarding the proposed one-way signage on Blanford Street between Cabin John Parkway and Argyle. He stated his objections to the demonstration project noting that 28 signatories is not a majority of the households on the street and suggested that he would sue the City if the signs were put up. In addition, Mr. Ratajczak gave a number of reasons for not making the street one-way.

Mayor Van Grack provided background information to Mr. Ratajczak on the situation concerning the staff work that had been done in response to requests from some property owners to make the street one-way. He assured Mr. Ratajczak that his comments would be taken into consideration in determining how to handle the traffic flow on that street.

5. Judith Kahn, 602 Blanford Street #6, stated she visited every apartment in the early evening that night and found 18 of 40 families at home. She requested a special meeting with the Mayor and Council to discuss the proposed signage and requested a moratorium on doing anything until that meeting. Ms. Kahn presented letters from the families with whom she spoke that evening stating their opposition to the proposed signage.

City Manager Robinson advised the Mayor and Council that it was City policy to obtain approval from more than 50% of the property owners on a street before changing the signage. The proposal for Blanford Street was made after approval was received from more than 50% of the property owners. Those attending the meeting objecting to the proposed project were tenants, primarily residing in the duplexes on the street.

6. Jean Brady, 725 Wilson Avenue, Executive Director of Victory Housing, presented a letter to the Mayor and Council regarding the need for more housing for the elderly. She asked for assistance from the City to help make this happen, particularly if a potential site for housing for the elderly becomes available. She cited her experience with Mary's House, a sheltered housing facility for the frail elderly, and extended an open invitation to the Mayor and Council to visit Mary's House and see its operation.

Re: Proclamation for National
Bible Week

On a motion from Councilman Duncan, duly seconded, and unanimously passed, the Mayor and Council proclaimed November 23 - 30, 1986, as National Bible Week. Ronald Nolan from the Kiwanis received the proclamation once it was passed.

Re: Proclamation for the
Rockville Knights

On a motion from Councilman Hartogensis, duly seconded, and unanimously passed, the Mayor and Council approved a proclamation commemorating the championship year of the Montgomery College's football team, the Rockville Knights.

Re: Public Hearing: RTH-6-86,
Joseph A. Lynott, Attorney
for EBH Enterprises
Limited, Applicant

The Mayor and Council of Rockville conducted a public hearing on RTH-6-86 and heard those persons as will be found in the official stenographic transcript of the hearing. At the suggestion of Councilman Abrams, the record on RTH-6-86 is to be held open until the close of business on January 2, 1987.

Re: Consent Agenda

At the request of Councilman Duncan, Item No. 6(a) - Selection of Design Consultant for Scott Drive Bridge Replacement - was removed from the Consent Agenda.

On a motion from Councilman Duncan, duly seconded, and unanimously passed, the following four agenda items on the consent agenda were passed as recommended by staff.

Re: Approval of On-Site SWM
Waiver for Montgomery
County Emergency
Communications Center, 120
Maryland Avenue

This 4.67 acre parcel located in the Cabin John Creek drainage area is the site of the old Montgomery County Office building. The County plans to construct an additional office building on this site.

An additional 7200 square feet of impervious area is planned. The site has a limited amount of open space and the existing building and parking garage and proposed building all have underground levels. The placement of SWM facilities in close proximity to underground structures is not recommended due to possible seepage problems into the buildings. Therefore, on-site SWM is not recommended for this site.

Runoff from this site will be conveyed by enclosed storm drains to Elwood Smith Park where it enters a tributary of Cabin John Creek just below the Mount Vernon facility. The Mount Vernon SWM facility can provide compensating storage for the additional runoff from this site.

It is recommended that a waiver be granted and that a contribution of \$3,300 (0.165 acres at \$20,000 per acre) be accepted for the City off-site SWM program.

Re: Award of Contract for
Hospitalization Plan

The Mayor and Council approved the use of selection process by negotiation for Health Insurance and Prepaid Medical Care Coverages for Employees, Retirees, and their Dependents. Request for Proposal 13-87 provided for this method of award while giving prospective providers a copy of the current coverage for each

of the three existing Plans. It was intended to negotiate a contract for each of the Plans. (Plan I - FEE FOR SERVICE, Plan II - HEALTH MAINTENANCE ORGANIZATION (HMO) GROUP PRACTICE and Plan III - HMO PRIVATE PRACTICE), and that the contract(s) be for three years.

Requests were mailed to 25 companies and an advertisement was placed in the Washington Post.

The responses received were as follows:

PLAN I - FEE FOR SERVICE

- o Blue Cross and Blue Shield of the National Capital Area

PLAN II - HMO-GROUP PRACTICE

- o George Washington University Health Plan, Inc.
- o Kaiser-Permanente

Re: Selection of Design
Consultant for Scott
Drive Bridge Replacement

Item No. 6(a), Selection of Design Consultant for Scott Drive Bridge Replacement, Councilman Duncan noted conflicting figures in the staff memo of the construction. City Manager Robinson stated it was most likely a typographical error and would confirm which figure is correct with the Director of Public Works. On a motion from Councilman Duncan, duly seconded, and unanimously passed, the Mayor and Council approved this item in the amount of the lower figure, \$24,453, with the contingency that if the higher figure were needed the City Manager would bring the item back to the Mayor and Council for approval.

Councilman Coyle asked why it will take so long to complete the project. City Manager Robinson responded that the time is needed for detailed design drawings and other administrative requirements adding that he felt the dates for

completion included in the memorandum were conservative. He noted that the project would be moved up if possible.

Re: Adoption of Resolution
establishing a Mandatory
Referral Procedure for
comprehensive planned
development application

Resolution No. 43-86

The item was moved for approval by Councilman Duncan and duly seconded. Councilman Abrams suggested additional language be placed in Item A (2) so that a copy of the application would also be sent all parties who participated in some way in a local and sectional map amendment process which led to the rezoning of a parcel to be developed. He stated that such language places the burden with the applicant to make proper notification at the applicant's cost. City Attorney, Paul Glasgow, confirmed that both local and sectional map amendments could be included in the process and added language to the appropriate section of the Resolution on Mandatory Referral, Section E (13).

In response to a question from Councilman Abrams regarding whether the City or the applicant would be responsible for compiling this list, City Clerk Kachadoorian stated her preference for having the Clerk's Office prepare the list for the applicant. Councilman Abrams suggested under Section D (8), Impact Analysis, that the traffic impact study called for in this section be completed prior to holding public hearings. Councilman Duncan stated that he believes some preliminary public meetings will be necessary to become familiar with the plan. After these public meetings, staff would conduct the traffic analysis.

Councilman Abrams asked how it would be possible to identify significant changes in the application that would trigger the requirement for notifying the public and suggested adding language in Section E (12) that the Mayor and Council can require additional meetings if there is a significant change. Councilman

Coyle agreed that there needs to be some definition of what a significant change is, and Councilman Duncan asked how the Mayor and Council would know when such a change takes place. He cited, however, the Westmont supplemental application as an example of when significant changes do take place. However, Councilman Duncan concluded that safeguards are already in the proposed resolution and additional language would not be needed.

City Manager Robinson concurred that the language would not be needed, stating that such a requirement would politicize the determination of an otherwise technological review of an application. He felt that staff would have to bring every item to the Mayor and Council. Councilman Hartogensis pointed out that Section A (2) includes language that requires subsequent amendments or supplemental information to the application be filed with the City Clerk. Councilman Coyle asked that Section D (9) be revised to allow for more than one balloon be flown with story markers to designate the highest proposed height of the building on the subject of property. The resolution, as amended by the Mayor and Council was unanimously approved.

Councilman Abrams asked the City Manager to provide information on mediation procedures that occurred for the recent development at Friendship Heights. He stated he feels this information will be useful to the Mayor and Council.

Re: Preliminary Review and
Referral of Text Amendment
Application, T-82-86,
Planning Commission,
Applicant

On a motion from Councilman Duncan, duly seconded, and unanimously passed, the Mayor and Council referred the proposed text amendment to the Planning Commission for review.

3. Mayor Van Grack suggested that City employees receive the day after Christmas, Friday, December 26, as a holiday. Members of the Mayor and Council concurred.

Re: Work Session

The Mayor and Council held a Work Session on the Elections Task Force Report. The work session convened at 10:55 p.m. with members of the Mayor and Council present. Those present from the Elections Task Force were Stephen Edwards, Charles Carroccio, Jr., Al Kamhi, Ruth Loevinger, Patrick McGarey, Kenneth Reichard, Keith Haller, Sima Osdoby.

Re: Adjournment

There being no further business to come before the Mayor and Council in work session, the meeting was adjourned at midnight to convene again on Monday, December 8, 1986, at 8:00 p.m., or at the call of the Mayor.